

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 00-6026 CIV-Ferguson
Magistrate Judge Snow

WORLDNET COMPANIES, INC.
a Florida corporation

Plaintiff

v.

KLELINE, a Limited Company,
a corporation incorporated under the law of
France, ABDALLAH HITTI, individually;
AYHUB HITTI, INDIVIDUALLY;
BANQUE PARIBAS S.A., a banking corporation
incorporated under the laws of France;
OCRAM EST., a Liechtenstein corporation; and
MICHAEL BENDE, individually

Defendants

AMENDED

MOTION TO VACATE CLERK'S ENTRY OF DEFAULT

Defendant, OCRAM EST. ("OCRAM"), by and through its newly appearing undersigned counsel filed its Motion to Vacate Clerk's Default on Monday, May 1, 2000 for a Default entered against it on April 3, 2000 and as grounds therefore states the following:

1. OCRAM recently consulted with the undersigned on Thursday, April 27, 2000.
2. Previously OCRAM was under the impression that it was at that time, represented by counsel for MICHAEL BENDE, a Defendant named individually in the above-styled matter and, as a result, no pleadings on behalf of OCRAM itself were actually filed through the excusable mutual mistake and/or excusable neglect as all parties where under the impression that OCRAM had counsel.

3. Unfortunately, OCRAM did not have counsel previously in this regard and as a result no pleading was filed and as such, the Clerk entered a Default less than one (1) month ago.

4. OCRAM fully intends to have representation in this matter and is a separate and distinct entity from MICHAEL BENDE and separate counsel is necessary to present each.

5. The pleadings are at an early enough stage such that no party is prejudice by the Court vacating the Clerk's Default in this regard.

6. The undersigned is filing this Motion at the earliest possible time and to avoid delay.

7. In addition, upon information and belief, Defendant corporation has as its legal address an address in Europe. That company is now represented by the undersigned was, in fact, not properly served with the Complaint heretofore. If it was served at all, it was a separate Defendant, MICHAEL BENDE, individually, who could not properly accept service on behalf of Defendant, OCRAM.

8. As a result of the aforementioned and this included amended, no notice of appearance was previously entered on behalf of Defendant, OCRAM, and, in addition, service of pleadings were not properly accepted and, therefore, the entry of the Clerk's Default was in error and should be properly vacated.

WHEREFORE, Defendant, OCRAM, respectfully requests the Honorable Court vacate the Clerk's Default entered against it on April 3, 2000.

I HEREBY CERTIFY that a copy of the foregoing was furnished to Charles Cohen, Esq. and Leslie Scott Osborne, Furr and Cohen, P.A., Attorneys for BENDE, 1499 West Palmetto Park Road, Suite 412, Boca Raton, Florida; to John C. Rayson, Esq., Attorney for PLAINTIFF, 2400 East Oakland Park Boulevard, Fort Lauderdale, Florida 33306; William D. McEachern,

Esq., Winthrop, Stimson, Putman & Roberts, Attorneys for KLELINE, 125 Worth Avenue, Suite 310, Palm Beach, Florida 33480; Gina Anne Dombosch, Esq., Valerie Greenberg, Itkoff, Esq., and Edward Soto, Esq., Weil Gotshal & Manges, Attorneys for BANQUE PARIBAS, S.A. 701 Brickell Avenue, Suite 2100, Miami, Florida, this 3rd day of May, 2000.

LAVALLE, BROWN, RONAN & SOFF, P.A.

Attorneys for OCRAM
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